

Exhibit J

Jenkins, Stephen 1/28/2011 9:00:00 AM

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE SEPTEMBER 11 LITIGATION

21 MC 101 (AKH)

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MARY BAVIS,
Plaintiff,
-against- 02 Civ. 7154
UAL CORPORATION, et al.,
Defendants.

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HIGHLY CONFIDENTIAL

January 28, 2011
9:30 a.m.

Videotaped Deposition of
STEPHEN P. JENKINS, taken by Defendants, pursuant
to Notice, at the offices of Mayer Brown Rowe &
Maw, 1999 K Street N. W., Washington, DC, before
TAMMEY M. PASTOR, a Registered Professional
Reporter, Certified LiveNote Reporter and Notary
Public within and for the State of New York.

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2 were shifted over to being the PSI for United
3 Airlines?

4 A. That is correct.

5 Q. Can you tell us what the role was
6 in the years leading up to September 11, 2001
7 for a PSI?

8 A. They were primary point of
9 contact for their assigned aircraft operators.
10 In other words, each PSI was assigned one or
11 more aircraft operators. They would have daily
12 or routine contact with the corporate office
13 for that airline. Their assigned airlines.

14 Q. All right. What other duties did
15 you have?

16 A. In that course there was crisis
17 management responsibility in case an event with
18 that airline, other assigned airlines. There
19 was some compliance reviews.

20 They would work with the carrier
21 on certain issues, compliance with the
22 regulations, would provide guidance,
23 interpretation on the FARs and AOSSP -- or
24 ACSSP, pardon me. And the Security Directives.

25 It was a go-between. If the

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2 carrier had questions it would go through the
3 PSI and back and forth.

4 Q. Did you play a role in amendments
5 to ACSSP?

6 A. Yes.

7 Q. What was that?

8 A. The aircraft operator would send,
9 propose an amendment to the ACSSP in a written
10 form. That would go to the PSI. That would be
11 submitted to the PSI. And the PSI would
12 evaluate that request. And if it was deemed
13 appropriate, was still in compliance with the
14 rules, the regs, then we work with our policy
15 branch and intel branch to draft out the
16 amendment.

17 Then, if it was acceptable, the
18 PSI would approve it and deliver it back to the
19 airline, aircraft operator.

20 Q. How about the occasions when the
21 amendment originated with the FAA rather than
22 with the airline, did you play a role there?

23 A. Uh-huh. Correct.

24 Q. What role was, in particular
25 during the period you were PSI for United

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2 the checkpoint; right?

3 A. Right.

4 Q. Does that MDD data include an
5 alleged failure of the screener to properly
6 resolve walk-through metal detector alarm when
7 a tester went through metal detector?

8 MS. SCHIAVO: Objection.

9 Q. Can you tell?

10 MS. SCHIAVO: Objection.

11 A. Yes. If that happened it would
12 include that.

13 Q. Do you have your ACSSP there?

14 A. Yes, we do.

15 Q. Look at page 139F. Sir, I direct
16 your attention to paragraph G, FAA testing.
17 Subparagraph 2A2. Do you see it?

18 A. Yes.

19 Q. And that states if the alarm on
20 the walk-through metal detector does not sound
21 the air carrier is not considered to have
22 failed to detect the test object for the
23 purposes of the FAA test; right?

24 A. Right.

25 Q. With that in mind would you say

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2 that the data under the MDD category all are
3 failures to properly resolve a passenger or a
4 tester who went through the metal detector and
5 the detector alarmed?

6 MS. SCHIAVO: Objection, misstates
7 his previous testimony.

8 MR. FEAGLEY: Do I have that right?

9 MS. SIMMONS: Objection.

10 MS. SCHIAVO: Objection.

11 A. If it did alarm and they divested
12 themselves, went through again and it alarmed
13 they could use the hand wand, if that hand wand
14 did not detect the item, that's a fail. It
15 would have been under the walk-through, the
16 detection roll up. If the walk-through did not
17 alarm it is not a fail.

18 Q. Right. Right. So data under the
19 category MDD always reflects an alarm and a
20 failure to resolve the alarm; right?

21 MS. SCHIAVO: Objection.

22 MS. SIMMONS: Objection.

23 Q. Every incident under the MDD
24 category is an incident in which the tester
25 went through the walk-through metal detector

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2 and the metal detector alarmed?

3 A. Yes.

4 MS. SCHIAVO: Objection.

5 Q. Thank you. You testified in

6 response to a question from Plaintiffs' counsel

7 that no prohibition, there is no prohibition

8 barring an airline from exceeding the

9 requirements of its own ACSSP. Do you remember

10 that?

11 A. Yes.

12 MS. SIMMONS: Objection.

13 Q. At least that's what I thought I

14 heard.

15 A. Yes.

16 Q. Okay. Would you agree, however,

17 if an airline wanted to change its ACSSP

18 program, it would need to consult with the FAA?

19 MR. COHEN: Objection.

20 MS. SCHIAVO: Objection.

21 A. That is correct.

22 Q. It couldn't simply just make a

23 change then start implementing it and go on and

24 operate under that change, it would need to

25 check with you or someone else at the FAA